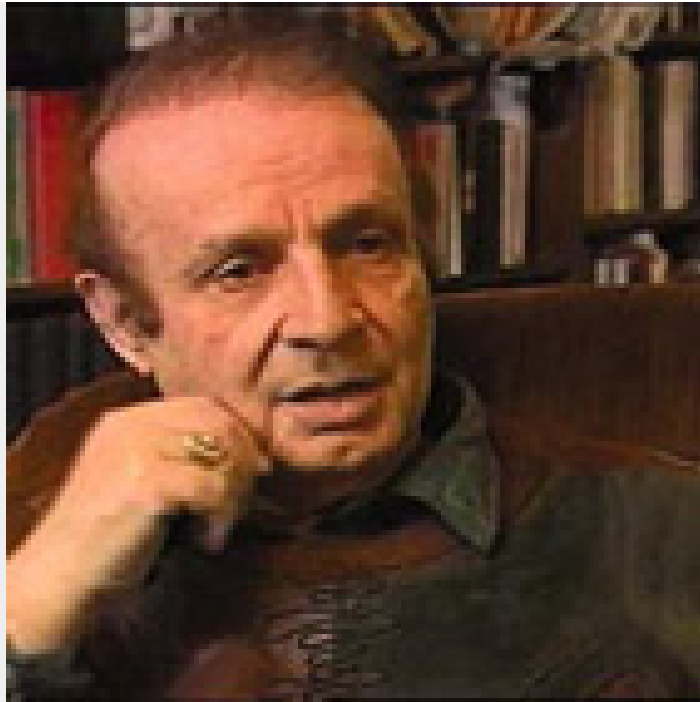


# THE CURRENT TURKISH-ARMENIAN PROTOCOLS

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By Professor Vahakn Dadrian, USA Armenian Life Magazine, 11 November 2009

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There are three elements in the new Turkish initiative calling for Attention:

1. The protocol on establishing diplomatic relations stipulates "commitment...for the principles of...territorial integrity and inviolability of frontiers." It also requires "the mutual recognition of the existing border between the two countries as defined by the relevant treaties of international law." In other words the stipulation is based on the latter part of the paragraph whose basis is a misconstrued, if not faulty, interpretation of a definition of what it calls "relevant treaties of international law."

The fact is, however, that "international law" was seriously encroached upon by the signing of these "relevant treaties." Involved are here: 1. The Treaty of Moscow, signed in Moscow on March 16, 1921 between RSFSR (Russian Socialist Federated Soviet Republic) on the one hand, and (Kemalist) Turkey, on the other. The other, no. 2, the Treaty of Kars, was signed some seven months later, i.e., on October 13, 1921, between (Kemalist) Turkey, on the one hand, and the three Soviet Republics of Armenia, Georgia and Azerbaijan, on the other, with the participation of RSFSR. The cardinal fact is that Ankara's Kemalist Turkey, the signatory of these twin Treaties, at that time, was not a legitimate, functioning government; rather, it was a rebel, improvised governmental set-up in contest with a then legitimately functioning government in Istanbul, then the official capital of the Empire, and ruled by a legitimate Sultan.

Consistent with this fact, in a series of governmental as well as court-martial decisions, this legitimate authority on May 24, 1920, issued a death verdict against Mustafa Kemal (Takyimi Vekay-i no. 3864), and 12 days later, June 6, 1920, six of the latter's cohorts, including Ismet (Inonu), were likewise court-martialed *in absentia* and were condemned to death. Whether or not Sultan's government was popular, or its policies were deemed prudent or wise at the time, are issues that are irrelevant here. What is paramount and incontestable, however, is the fact that the Sultan was then the sole legitimate and superordinate authority of the Ottoman Empire - in contrast to the rebel character of the Kemalist government. Accordingly, any agreement, convention or treaty signed with such a government is under international law illegitimate, hence invalid.

Thus, from the vantage point of "international law," the Treaties of Moscow and Kars are bereft of legality and can, therefore, not be treated as legitimate instruments of negotiations. Moreover, the Moscow Treaty is additionally illegitimate by any standard of international law, for the reason that the RSFSR (Soviet Russia) was then not recognized by any nation-state, it then had almost the same status as the revolutionary, rebellious Kemalist regime. (It was only in 1922 when Germany, as the first nation-state, granted *de-jure* recognition of the Union at Prapallo). As if these legal deficiencies were not enough, Soviet Armenia, on the insistence of the Ankara government's representatives,

was excluded from the negotiations in Moscow that culminated in the Treaty of Moscow on March 16, 1921, these Turkish representatives had adamantly objected to inclusion in these negotiations of any Armenian representative. As a result, the lack of evidence of Armenian participation is one of the most signal features in the protocols of this Treaty. It should be noted in this connection that one of the three Turkish delegates, who prevailed in Moscow for the final drafting of this Treaty, was Colonel, later in the Turkish Republic, Major-General, Sevket Seyfi (Duzgoreu).

One of the foremost organizers of the Armenian Genocide, Seyfi distinguished himself in the task of recruitment, mobilization and deployment in the provinces of Special Organization's killer bands, mostly convicted criminals especially selected and released from the empire's prisons for this task, they played a major role in the implementation of the genocidal scheme. As to the ensuing Treaty of Kars, again it was the leaders of RSFSR, which assumed responsibility for prevailing upon the three Transcaucasian Soviet Republics to accommodate the Turks, their feeble efforts of some opposition notwithstanding. That treaty in fact materialized as an extension and reconfirmation of the preceding Moscow Treaty thanks to the exertions of the dominant Bolsheviks. It is painful to point out once more the rather treacherous conduct of a certain Budu Mdivani, a Georgian, serving as a communist mediator between the military defeated agonizing Armenians who had welcomed him, and the arrogant, victorious Turks. Instead of serving the interests of his Russian masters in Moscow, he secretly tried to collude with the Turks, urging Kazim Karabekir, their military commander, not to be satisfied with the Arax River as a new frontier between Armenia and Turkey, but rather to push beyond that river deep into Armenia. (Kazim Karabekir, *ISTIKAL Harbimiz*, the 1969 edition. Istanbul, Turkiye Publishers, p. 952)

2. The protocol no. 2 dealing with the theme of "Development of Relations between Armenian and Turkey" seductively starts as item no. 1 with a promise to "open the common border within 2 months after the entry into force of this Protocol." Then, under items no. 2 and no. 3 come the two most critical issues preventing the bulk of the Armenian people from considering reconciliation. Through them, the unrepentant heirs of the Great Crime of 1915 are once more seeking to railroad the central issue by way of indirection, covert language and resort to alluring, seductive techniques. The Armenian government should declare unequivocally, if not emphatically, that there is nothing to "examine scientifically" with respect to the matter that covertly but allegorically is called "the historical records." These records" have been subjected to criminal investigation by a Turkish military Tribunal in the pre-Kemalist, postwar Turkey, 1919-1921. Relying on a vast corpus of authenticated, official Turkish wartime documents, this Tribunal, demonstrated that these "records" were nothing but a repository of incontestable evidence of a gigantic crime, a centrally organized mass murder enacted against the bulk of the Ottoman Empire's own Armenian citizens. The bill of charges, the key indictment, replete with specific documentary material that constituted the Tribunal's evidence-in-chief renders the resulting series of Verdicts an irrevocable evidence of the comprehensive scale of the wartime extermination. The prosecutors were Turks, the judges were Turks, and equally, if not most important, most of the witnesses were Turks, including the high-ranking military officers.

Likewise, the court-martial proceedings were based on Ottoman Turkish domestic penal laws.

One would think that a government driven by a sense of Justice would above all tackle these court proceedings in its quest for truth and justice. But, remarkably, there is not only silence about them, but complete silence about the disappearance of the respective trial records following the capture of Istanbul by the Kemalists in the Fall of 1922. The proposal of enlisting commissions to "study" the problem and "formulate recommendations," has all the sly elements of purposive procrastination, of a gimmick to inject uncertainty, ambivalence, and above all pressure for, ultimate compromise. We see here the use of standards of a "give and take" culture that often determines the outcome of such "commissions" and "sub-commissions," presumably consisting of people knowledgeable about the Ottoman language. Perhaps the most unusual and, therefore, in a sense, bizarre aspect of this whole protocol, a feature of decades-long official Turkish posture, is the idea that, the Turks, identified with the perpetrator camp, would visit a vis a vis those representing the victim of population, and negotiate as co-equals. Underlying this vagary of sheer power play is the fact that Turkey, whether officially or unofficially, is still irrevocably committed to a posture of denial as far as the key element of the crime is concerned, namely, a state-sponsored and state-organized mass murder against her Armenian citizens.

Indeed, Articles 300, 309, but especially 301, of Turkey's current Penal Code, will as long as they are in effect, continue to legitimize and even extol this posture.

3. Given the track record of the Turkish politicians, the heirs of an established and centuries-old Ottoman tradition, it is difficult to resist the temptation to label this entire initiative a clever stratagem to lure the Armenian government into a trap. There is not only a scheme of prolongation of the diplomatic traffic in an atmosphere of continuous uncertainty, as far as a final outcome is concerned (Abdul Hamid skilfully used this tactic when confronting the European Powers, which were pressuring him to finally implement the so-called Armenian Reforms - in Turkish it is called Ovalamak), but also an underlying design to promptly wrest from the government of Armenia, a long-cherished concession: the formal recognition of the existing borders between Armenia and Turkey.

Secondly, there is Turkey's looming goal of joining the European Union. Turkey needs to preserve the appropriate façade of conciliatoriness that is but expected of a candidate worthy of becoming an integral part of a civilized Europe. When reinforced by the possession of significant strategic assets and the leverage of distinct military power, however, such facades can prove very functional.

The situation becomes even more enigmatic, if not outright deceptive, when taking into account the pervasive current linkages between the republics of Turkey and Azerbaijan. Knowing the intensity of the latter's frustrations if not fury, in relation to Armenia, and Turkey's significant dependence of Azeri oil, not to speak of other kinship ties, are we to believe that the Turkish Republic earnestly and honestly is prepared to cement new ties with Armenia that by definition are bound to hemorrhage its

## relationship with Azerbaijan?

Even though Armenia is, and for the foreseeable future, will remain, more or less isolated, and in some respects even economically handicapped, there is such a thing as the principle of essential national priorities and, consequently, the eternal need for circumspection and exigent vigilance.

